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City to fight PCBs with creativity

Tuesday, April 03, 2007

By Kathy Jessup

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Kalamazoo's fight to stop the dumping of toxic Kalamazoo River sediment in an unlicensed, east-side landfill is about to get unconventional.

With the door apparently closed to traditional legal challenges, city officials are examining zoning rules and ordinances banning toxic-waste trucks from using city streets to try to stop the dumping of 132,000 cubic yards of contaminated river sediment at the Allied Paper Inc. landfill.

Meanwhile, city leaders said they've learned that the upper strata of groundwater aquifers in the area of the landfill, located between Cork and Alcott streets, is showing signs of some toxic contaminants. But a Freedom of Information Act request filed by the city to obtain additional groundwater data from the U.S. Environmental Protection Agency has yielded no records so far, said Bruce Merchant, Kalamazoo's public-services director.

City leaders told the crowd that jammed the City Commission chambers Monday night that EPA representatives had declined to meet at the landfill site earlier that day after commissioners nixed convening behind closed doors.

"I know that we have not begun to exhaust our creativity," City Manager Kenneth Collard said. "The landfilling plan depends on the use of city streets and the political support of the state and federal elected officials who control the legislative and executive branches of those governments. These 'vulnerabilities' are being thoroughly explored. ... I fully expect that activities bordering on civil disobedience will be initiated by our civic leadership if necessary."

Mayor Hannah McKinney sent letters Monday to high-ranking EPA officials in Chicago and state and federal officials. In addition, McKinney said city staff has been directed to:

- Collect environmental data necessary to assess the potential impact of dumping an additional two tons of polychlorinated biphenyls (PCBs) at the Allied landfill. PCBs are considered "a hazardous substance and probable human carcinogen," according to the EPA.
- Begin discussions to clean up the landfill from an earlier round of PCB dumping that federal officials then termed "temporary."
- Investigate "possible ordinances to protect the current and future health and safety of residents," especially those living near the east-side landfill, which that is not licensed to accept toxic refuse.

City officials also are challenging the EPA's characterization of the river cleanup as "time critical," a designation that McKinney said "severely limits the city's opportunity for review and comment."

Papermaking companies discharged PCBs into the Kalamazoo River from the mid-1950s to the early 1970s, McKinney said. Closed-door negotiations between state and federal environmental protection agencies and representatives for two paper companies were conducted over the past three years.

City leaders said they learned two weeks ago the Allied landfill would take contaminated sediment removed from the river. Regulators said trucking it to a licensed toxic-waste landfill in Detroit would add \$14 million to the project's \$21 million price tag.

The city says talks between regulators and Georgia-Pacific and Millennium Holdings, parent company for the defunct Allied Paper, included no public input. They say regulatory agencies also failed to assess the PCB's potential impact on city wells that supply water to 100,000 Kalamazoo-area customers.

During Monday's meeting, citizens offered their own suggestions for stopping the trucks that are expected to begin rolling into Kalamazoo in late May. They advocated everything from using eminent domain to acquire the landfill property to locating a new city well in the vicinity to passing an ordinance restricting the landfill access road to "bicycle traffic only."

"This gives you the opportunity to impress the hell out of us," resident Bo Preston told commissioners.

Hundreds protest dumping of PCBs

Tuesday, April 03, 2007

By Chris Killian

Special to the Gazette

Kalamazoo city commissioners, residents and others gathered Monday outside the Allied Paper Inc. landfill to protest the planned disposal of more than two tons of toxic materials there.

On several occasions the crowd, which organizers estimated at about 300 people, chanted, "Don't dump on us!" Many carried placards, some of which read, "The Promised Land?" and "Hey EPA Milwood is not a dump."

Dan Kups, 27, came dressed in a white hazardous-materials-handling suit. It was a symbolic gesture, he said, of what he might have to wear if polychlorinated biphenyls (PCBs) from a Kalamazoo River cleanup project are

disposed of at the site, located between Cork and Alcott Streets.

"I live two blocks from here," he said. "The EPA is taking this town for granted. I'm going to fight this as long as it takes."

The U.S. Environmental Protection Agency has proposed that 132,000 cubic yards of material, laden with 4,400-pounds of PCBs, taken from a 1.5-mile stretch of the Kalamazoo River be disposed of in the landfill. The property is owned by Millennium Holdings LLC, one of two companies responsible for financing the cleanup project. Later in the day, about 100 people gathered on the steps of City Hall to protest the plan prior to a City Commission meeting.

"The only way to stop this is if we come together," Commissioner Don Cooney said. "Let the word go forth -- this struggle has just begun. We are not disposable."

The cleanup plan was agreed to behind closed doors after nearly three years of negotiations.

City Attorney A. Lee Kirk has said the city "has no legal remedy available ... to stop the transport and storage of PCB-contaminated river sediments."

But Mayor Hannah McKinney has directed city staff to examine four areas to try to keep the PCBs from being disposed of in the city.

They include obtaining environmental data associated with the landfill site; participating in discussions to fully clean up the landfill site; participating in meetings with EPA and Michigan Department of Environmental Quality officials on cleanup of the rest of the Kalamazoo River; and investigating possible ordinances and other legal remedies to protect the health and safety of residents.

At noon Monday, EPA and DEQ officials met with city leaders and others at the city's Water Reclamation Plant to discuss the technical aspects of the disposal plan.

Officials said a storm-water collection system will be installed at the site, along with silt fencing and berms, to keep PCB-laden soil from washing into Portage Creek, just north of the site. A health-safety plan will be submitted to the city on Friday, EPA officials said.

Bruce Merchant, the city's public-services director, said he and other city officials need more time to review the disposal plan the EPA provided to the city last week.

A key issue for Merchant is whether the property, which EPA officials have said is a "temporary" disposal site, won't have more PCB-laden materials disposed there.

"We have to use 'temporary' because no Record of Decision has been made with regard to the (cleanup) project," said Sam Borries, the EPA's on-site coordinator for the cleanup project.

A Record of Decision, or ROD, provides justification for a cleanup action. It contains a site history and description.

The ROD on the current cleanup project will be made after an eight-month feasibility study that EPA officials expect to begin within the year. Public hearings will be a part of the study.

Depending on the study's results, the landfill could be certified as permanent and be capped or it could be recommended that material in the landfill be moved to a different disposal facility.

Plainwell PCB cleanup is step one, officials say

Sunday, March 25, 2007

By Chris Killian

Special to the Gazette

PLAINWELL -- Long-anticipated cleanup of a stretch of the Kalamazoo River polluted by decades of paper companies dumping waste is set to begin in April.

Ironically, that work is now threatened by legal action over plans to truck contaminated river sediment to a landfill already contaminated by the same toxins. Kalamazoo city officials said Friday they may seek a court injunction to prevent river material from being dumped in the Allied Paper Inc. landfill off Cork and Burdick streets until they can learn more about potential environmental effects.

A settlement nearly three years in the making would result in removal of nearly 132,000 cubic yards of material containing 4,400 pounds of polychlorinated biphenyls from a 1.5-mile stretch of the river, its banks and floodplains at and upstream of the Plainwell Dam.

It is the first step in what environmental officials hope will eventually be near complete removal of PCBs from an 80-mile stretch of the river, from the Morrow Lake Dam east of Kalamazoo downstream to Saugatuck.

The U.S. Environmental Protection Agency and other federal and state agencies reached agreements with two companies that will finance the cleanup. Georgia-Pacific Corp. and Millennium Holdings Inc. will pay \$21 million for the cleanup and \$15 million to study whether there are PCB "hot spots" along the entire Superfund site.

High concentrations of PCBs are known to exist at Lake Allegan, formed by the Allegan Dam, and some amounts are likely to exist along the entire 80-mile stretch, EPA officials say. Dams, which can trap PCBs in sediment and soil

on the river banks, and areas just upstream of them are believed to be among the most-polluted spots. The EPA has estimated that upwards of 350,000 pounds of PCBs exist along the Superfund stretch and that cleaning them up could cost \$50 million to \$1.4 billion. The government would seek to identify potentially responsible parties and pursue cleanup agreements.

How it will work

Bulldozers, backhoes and front-end loaders will be used to scoop up material from river banks and bottom and floodplains. It will be dumped into trucks and taken to "de-watering" pads to be dried out.

With 51,500 of the 132,000 total cubic yards to be removed now underwater, much of the excavating will be done "in the dry." Contaminated sections of river bottom will be isolated with porta-dams and water deflectors to isolate them, and water will be pumped out for excavation of PCBs to take place.

The water level will be lowered in spots so PCBs can be removed from river banks and floodplains. In some places, material will be excavated down more than 5 feet.

A portion of the Plainwell Dam, a 100-foot-long combination of earth, broken concrete, debris and rocks that extends about 30 feet above the river surface, is to be removed at the beginning of the project and a temporary dam installed in its place. That temporary dam will be removed and the river will return to its natural flow when the project is complete.

A major concern is preventing PCB-laden sediments from being kicked up during excavation and sent downstream to settle in other areas, said Sam Borries, the EPA's on-scene coordinator. To capture disturbed sediment, silt curtains and fences will be extended from the river surface to its bottom.

Daily readings will be taken downstream to determine if PCBs are escaping control measures. If they are, Borries said "we would stop work immediately and look at what needs to be done to fix the problem."

"Some movement of contaminated sediment is likely," said Steve Kohler, director of Western Michigan University's Environmental Studies program. "But if the project is done the right way, the amount of PCBs sent downstream should be trivial."

Arcadis U.S. Inc., a Chicago-based engineering and consulting firm, will be in charge of the work, which will be done primarily from early spring through the fall. Work will be paused during cold-weather months and is expected to be completed by the end of 2008.

At the end of the first year of work, groundwater wells will be installed east of the Plainwell Dam to monitor possible PCB leeching. Data will be gathered from the wells for two years.

The EPA expects it will take four to five years to certify the site as clean.

Disposal concerns

Once work at the river is fully under way, 20 to 30 truckloads per day of material would be hauled to the Allied Paper Inc. landfill in Kalamazoo for disposal under the EPA's plans. The landfill, along Portage Creek in a sprawling, abandoned papermaking complex, is owned by Millenium Holdings, parent company of Allied Paper and one of the two companies paying for the river cleanup.

Residents in surrounding neighborhoods have lodged concerns about truck traffic and potential environmental impacts of the dumping. The Kalamazoo Neighborhoods Council last week passed a resolution saying it is "a clear and present danger to the public health" and should be scrapped.

City officials have echoed residents' objections and are upset they were excluded from closed-door negotiations on the disposal plan. Bruce Merchant, the city's public services director, said officials are concerned about the lack of any study on the potential for the river PCBs to leach into aquifers that provide water to 100,000 people.

"We would have never chosen this site if there was any possibility of harm to people," responded the EPA's Borries.